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Federal Communications Commission
Consumer & Governmental Affairs Bureau
Washington, D.C. 20554

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9867

CGB

August 2, 2004

Control No. 0402239-Pol

The Honorable Donald A. Manzullo
U. S. House of Representatives
228 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Manzullo:

Thank you for your letter of July 6, 2004, on behalf of your constituent, Mr. Joe Lucas, expressing his concerns regarding Video Relay Service (VRS), a form of telecommunications relay service (TRS).

Mr. Lucas asks that the Federal Communications Commission (Commission or FCC) not further reduce the VRS compensation rate until VRS becomes available 24 hours per day, 7 days per week, with high quality services and accessibility. He also asks the Congress to overturn the FCC's decision refusing reimbursement for Video Mail.

As an initial matter, the rate for compensating VRS providers is not dependent on whether the service is offered on a 24/7 basis or vice versa. Since VRS is not a mandatory form of TRS, there is no requirement that it be offered on a 24/7 basis. However, there is nothing to prevent VRS providers from offering the service on a 24/7 basis. TRS providers are currently operating under waivers of the rule so that they do not have to provide the service on a 24/7 basis, but may still be compensated from the Interstate TRS Fund (the Fund).

We also note that, as a practical matter, the Commission neither "raises" nor "reduces" the TRS compensation rates, but adopts them on an annual basis, based on projected cost and usage data submitted by the providers. This data is submitted to the National Exchange Carrier Association (NECA), which is the TRS Fund administrator. Each year, NECA reviews these submissions and recommends a compensation rate to the Commission. For the July 2004 to June 2005 Fund year, NECA submitted a proposed VRS compensation rate of \$7.293 per minute. On June 30, 2004, the Bureau issued an Order (DA 04-1999) approving NECA's proposed rate, subject to adjustments discussed in the Bureau's Order. A copy of that Order (DA 04-1999) is enclosed.

We note that VRS continues to grow rapidly in popularity, despite the fact it is not available on a 24/7 basis. In fact, although VRS has been available only for the past two and a half years, and in the past year alone the use of VRS has increased from 211,529 minutes in June 2003, to 733,040 minutes in May 2004. We also note that we are continuing to raise and address new issues as provision of this important service evolves. On June 30, 2004, the Commission released an order that included a Further Notice of Proposed Rulemaking (FNPRM), in CG No. 03-123 (FCC 04-137), seeking comment on various matters concerning,

inter alia, VRS. Specifically, with regard to VRS, the FNPRM seeks comment on the appropriate cost recovery methodology for VRS; whether the Commission should adopt jurisdictional separation of costs for VRS so that all VRS costs are not reimbursed from the federal Interstate TRS Fund; whether VRS should become a mandatory form of TRS; whether VRS should be required to be offered 7 days a week, 24 hours a day; and whether a "speed of answer" rule should be applied to the provision of VRS. A copy of the Report & Order, Order on Reconsideration and Further Notice of Proposed Rule Making that was released by the Commission on June 30, 2004, is also enclosed.

With regards to Mr. Lucas' request that Congress overturn the "FCC's decision refusing reimbursement for Video Mail," the Commission has made no such determination. In fact, we note that a Public Notice (CG Docket 03-123, DA 04-2062) was released on July 9, 2004, seeking comment on whether the provision of Video VRS Mail to deaf and hard of hearing persons is eligible for compensation from the Interstate TRS Fund. After we review all of the comments on this issue, we will address the matter.

To the extent Mr. Lucas has concerns about the provision of VRS, we encourage him to actively participate in proceedings before the Commission to ensure that his opinions are expressed and considered fully. The Commission has available an e-mail service designed to apprise consumers about developments at the Commission, to disseminate consumer information materials prepared by the Commission to a wide audience, and to invite comments from other parties on Commission regulatory proposals. This free service enables consumers to subscribe and receive FCC fact sheets, consumer brochures and alerts, and public notices, among other consumer information. To subscribe, an individual should send an e-mail to subscribe@info.fcc.gov and, in either the subject line or the message insert: "subscribe fcc-consumer-info first name last name" (e.g., "subscribe fcc-consumer-info John Doe").

We also invite Mr. Lucas to visit the Consumer & Governmental Affairs Bureau's Internet web site at <http://www.fcc.gov/cgb> or the Commission's Home Page located at <http://www.fcc.gov>.

We note that Mr. Lucas has already filed his letter in the docket for these ongoing TRS proceedings, and his comments will be considered therein. We appreciate your inquiry. Please do not hesitate to contact us if you have further questions.

Sincerely,



K. Dane Snowden
Chief
Consumer & Governmental Affairs Bureau

Enclosures

DONALD A. MANZULLO
COMMITTEE ON SMALL BUSINESS
CHAIRMAN

COMMITTEE ON
FINANCIAL SERVICES

SUBCOMMITTEE ON
CAPITAL MARKETS, INSURANCE
AND GOVERNMENT
SPONSORED ENTERPRISES

SUBCOMMITTEE ON
DOMESTIC AND INTERNATIONAL
MONETARY POLICY,
TRADE AND TECHNOLOGY

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JUL 2 2004
Congress of the United States
House of Representatives
Washington, DC 20515-1316

July 6, 2004

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www.house.gov/manzullo

Chairman Michael Powell
Federal Communications Commission
445 12th St. SW #8-B201
Washington, DC 20554

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Dear Michael:

I have been contacted by Joe Lucas, a constituent from the 16th congressional district of Illinois, who is inquiring about Video Relay Services.

I have enclosed a copy of the original letter, and I would appreciate it if you could please provide us information that addresses his concerns consistent with your applicable rules and regulations.

I know that the matter will be carefully and objectively reviewed and I am grateful for any assistance you may be able to render. Please forward any correspondence to my staff assistant **Mary Ellen Brown** in my Washington D.C. office. I look forward to hearing from you soon.

Thank you for your consideration of this matter.

Sincerely,



Donald A. Manzullo
Member of Congress

PLEASE RESPOND TO:
2228 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-5676
(202) 225-5284 (Fax)

12 JUL 2004 RCUD

Brown, MaryEllen

From: writerep
Sent: Monday, June 28, 2004 10:32 PM
To: IL16WYR
Subject: WriteRep Responses

DATE: June 28, 2004 10:11 PM
NAME: Joe Lucas
ADDR1: 1 Riverdale Court
ADDR2:
ADDR3:
CITY: Algonquin
STATE: Illinois
ZIP: 60102-1201
PHONE:
EMAIL: lucasterp@aol.com
Message:
Joe Lucas
1 Riverdale Court
Algonquin, IL 60102

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Back to
FCC

June 23, 2004

The Honorable Donald A. Manzullo
U.S. House of Representatives
2228 Rayburn House Office Building
Washington, D.C. 20515-1316

Representative Manzullo:

Video Relay Services (VRS) is a wonderful service to use. I want to see it become a real-time communication service. The VRS is for me closer to functional equivalency than other telecommunications services. Please do not allow the FCC to further reduce the VRS rate of reimbursement until it becomes available 24/7 with high quality services and accessibility. Please also overturn the FCC's decision refusing reimbursement for Video Mail.

Sincerely,

Joe Lucas